

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

CENTER FOR BIOLOGICAL  
DIVERSITY, ALLIANCE FOR THE  
WILD ROCKIES, a non-profit  
organization; and COUNCIL ON  
WILDLIFE AND FISH, a non-profit  
organization,

Plaintiffs,

vs.

U.S. FOREST SERVICE, a federal  
agency; LEANNE MARTEN, in her  
official capacity as Regional Forester  
of U.S. Forest Service Region 1;  
MARY ERICKSON, in her official  
capacity as Forest Supervisor for the  
Custer-Gallatin National Forest; and  
U.S. FISH AND WILDLIFE  
SERVICE, a federal agency,

Defendants,

and

SUN MOUNTAIN LUMBER, INC., a  
Montana Corporation,

Defendant-Intervenor.

Lead Case:  
CV-23-110-M-DLC-KLD

Member Case:  
CV-23-154-M-DLC-KLD

ORDER

GALLATIN WILDLIFE  
ASSOCIATION, a non-profit  
organization; NATIVE  
ECOSYSTEMS COUNCIL, a non-  
profit organization; and WILDEARTH  
GUARDIANS, a non-profit  
organization,

Plaintiffs,  
vs.

MARY ERICKSON, in her official  
capacity as Forest Supervisor for the  
Custer-Gallatin National Forest;  
RANDY MOORE, in his official  
capacity as the Chief of the U.S. Forest  
Service; the UNITED STATES  
FOREST SERVICE, a federal agency;  
MARTHA WILLIAMS, in her official  
capacity as Director of the U.S. Fish  
and Wildlife Service; the UNITED  
STATES FISH AND WILDLIFE  
SERVICE, a federal agency; DEB  
HAALAND, in her official capacity as  
Secretary of the Interior; and the  
UNITED STATES DEPARTMENT OF  
THE INTERIOR, a federal department,

Defendants.

and

SUN MOUNTAIN LUMBER, INC., a  
Montana Corporation,

Defendant-Intervenor.

Sun Mountain Lumber, Inc. has filed a motion to intervene in the member case in this consolidated action, *Gallatin Wildlife Association et al. v. Mary Erickson et al.*, CV-23-154-M-DLC-KLD (Doc. 16). Sun Mountain moves to intervene as a matter of right, or in the alternative, permissively under Federal Rule of Civil Procedure 24(a) and (b). Plaintiffs and Federal Defendants take no position on the motion.

On January 4, 2024, the Court granted Sun Mountain leave to intervene as a matter of right in the lead case, *Center for Biological Diversity et al. v. U.S. Forest Service et al.*, CV 23-110-M-DLC-KLD (Doc. 24).

For all of the reasons set forth in Sun Mountain's brief in support of its motion to intervene in member case CV-23-154-M-DLC-KLD (Doc. 17), and the Court's order granting Sun Mountain leave to intervene in the lead case CV-23-110-M-DLC-KLD (Doc. 24), the Court concludes that Sun Mountain meets the standard for intervention as of right under Rule 24(a)(2). Accordingly,

IT IS ORDERED that Sun Mountain's motion to intervene as a matter of right in member case CV 23-154-M-DLC-KLD (Doc. 16) is GRANTED. Sun Mountain shall be permitted to intervene as of right in the member matter, and the consolidated case caption shall be modified as reflected above.

IT IS FURTHER ORDERED that Sun Mountain shall promptly file the

//

Proposed Answer and Proposed Corporate Disclosure Statement attached to its

motion to intervene.

DATED this 22nd day of February, 2024.



---

Kathleen L. DeSoto  
United States Magistrate Judge